

HOUSE No. 2874

By Ms. St. Fleur of Boston, petition of Thomas M. Menino and others for legislation to ease the transition of ex-offenders. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Thomas M. Menino	Steven A. Tolman
Marie P. St. Fleur	Elizabeth A. Malia
Brian P. Wallace	Kevin G. Honan
Eugene L. O'Flaherty	Jeffrey Sánchez
Gloria L. Fox	Martha M. Walz
Dianne Wilkerson	Brian Paul Golden
Martin J. Walsh	

In the Year Two Thousand and Five.

AN ACT TO EASE THE TRANSITION OF EX-OFFENDERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1.

4200-0300	For the Transitional Employment Service program through the Youth Opportunity center in Boston, a division of EDIC/Boston; provided further, that all funds shall be used for operational and programmatic costs of the Transitional Employment Service program for youth under the supervision of DYS and young adult offenders under the supervision of the Suffolk County House of Corrections for the purpose of providing education and workforce training to troubled youths who may re-offend upon their release into the community.....	\$250,000
	Workforce Training Fund100%	
7003-0803	For the purposes of a public awareness campaign about the tax benefits associated with employment of former inmates of correctional facilities; provided further, that said program shall be administered by the one-stop career centers within the City of Boston and Suffolk county	\$25,000
	Workforce Training Fund100%	

8910-0000	For hiring additional full-time educational staff in county correctional facilities; provided further, that this funding shall not replace any funds previously dedicated for this purpose by the Department of Corrections or county correctional facilities; provided further, that not less than \$200,000 shall be dedicated to the Suffolk County House of Corrections for the General Education Diploma (GED) program through the Boston Re-Entry Initiative.....	\$350,000
	Workforce Training Fund100%	

1 SECTION 2. Section 172A of Chapter 6 shall be amended by
2 inserting after the words “provided, however, that if a person shall
3 be found indigent, as defined in section 27a of chapter 261, the
4 board shall not impose a fee”, the following words:—
5 “provided further, that no fee shall be imposed upon an indi-
6 vidual incarcerated within a Massachusetts state or county facility
7 who seeks to review his report for accuracy; provided further,
8 such reports shall only be provided to an inmate free-of-charge
9 once every three months, and not more than twice per calendar
10 year.”

1 SECTION 3. Section 172 of Chapter 6 shall be amended by
2 including at the end thereof the following new paragraph:—
3 “Any agency or individual who requests access to criminal
4 offender record information will be required to participate in a
5 training session offered by the board for the purposes of accurate
6 interpretation and understanding of such criminal offender record
7 information. The board shall work with the Executive Office of
8 Public Safety to determine the course content and schedule, but it
9 shall be offered not less than once per month. The attendee at
10 such training session shall be the person or persons charged with
11 making hiring decisions or judging suitability for a post. Said
12 attendee will not be required to attend a training session more than
13 once every five years, provided that said attendee continues in that
14 position for five years consecutively. The board may charge a
15 nominal fee for participation in said training session, not to
16 exceed \$25 per attendee.”

1 SECTION 4. Section 100A of chapter 276 of the General Laws
2 is hereby amended in its first paragraph by striking, in the second

3 sentence, clauses (1) and (2) and inserting in place thereof the
4 following clauses:

5 “(1) that said person, if a first-time offender, had not been
6 found guilty within the commonwealth, for a year after the end of
7 any probation, of any criminal offense punishable by incarceration
8 for one year or more; (2) that said person's court appearance and
9 court disposition records, including termination of court supervi-
10 sion, probation or sentence for any misdemeanor occurred not less
11 than five years prior to said request; (3) that said person's court
12 appearance and court disposition records, including termination of
13 court supervision, probation or sentence for any felony occurred
14 not less than eight years prior to said request;”.

1 SECTION 5. Said section 100A is hereby further amended in
2 its first paragraph, second sentence, by striking “(3) that said
3 person had not been found guilty of any criminal offense within
4 the commonwealth in the ten years preceding such request, except
5 motor vehicle offenses in which the penalty does not exceed a fine
6 of fifty dollars” and inserting in place thereof the following:—

7 “(4) that said person had not been found guilty within the com-
8 monwealth in the ten years preceding such request of any criminal
9 offense punishable by incarceration for one year or more”.

1 SECTION 6. Said section 100A is hereby further amended in
2 its first paragraph, second sentence, by striking “(5)” and inserting
3 in place thereof “(6)”.

1 SECTION 7. Section 6 of chapter 62 of the General Laws is
2 hereby amended by adding the following paragraph after para-
3 graph (k):

4 (l) Tax Credit for Employers of Recently Released Inmates.
5 Any employer employing a recently released inmate, as defined
6 herein, shall receive a tax credit in the following amount:

7 (a) a \$2500 credit for employing a recently released inmate for
8 at least nine months in a tax year beginning after the passage of
9 this act;

10 (b) a \$5000 credit for employing a recently released inmate for
11 at least two years; or

12 (c) a \$7500 credit for employing a recently released inmate for
13 at least three years.

14 For the purposes of this section, “recently released inmate,”
15 shall mean a person released from prison within three years of
16 being employed by said corporation.

1 SECTION 8. Chapter 63 of the General Laws, as appearing in
2 the 1998 Official Edition and as amended, is hereby further
3 amended by inserting after Section 38Q the following section:

4 Section 38R. A corporation shall be allowed a credit, as here-
5 inafter provided, against its excise due under this chapter as
6 follows:

7 (d) a \$2500 credit for employing a recently released inmate for
8 at least nine months in a tax year beginning after the passage of
9 this act;

10 (e) a \$5000 credit for employing a recently released inmate for
11 at least two years;

12 (f) a \$7500 credit for employing a recently released inmate for
13 at least three years.

14 For the purposes of this section, “recently released inmate,”
15 shall mean a person released from prison within three years of
16 being employed by said corporation.

1 SECTION 9. Section 2 of Chapter 151A is amended by
2 inserting at the end of the fourth paragraph the following:—

3 “; and (d) such individual has been an inmate in a Massachu-
4 setts or county correctional facility within the last five years and
5 has performed service with that employer for at least one year, but
6 not more than three years, consecutively.”

1 SECTION 10. Said section 100A is hereby further amended by
2 striking the fifth paragraph and inserting in place thereof the
3 following paragraph:

4 An application for employment used by an employer shall not
5 inquire, nor shall an employer inquire orally, about criminal
6 offender record information, which shall be obtained, if at all,
7 from the criminal history systems board, pursuant to section 172
8 or other applicable sections of chapter 6 of the General Laws and
9 all applicable regulations and certifications thereunder.

1 SECTION 11. Public Housing Authorities.

2 Section 32 of Chapter 121B is hereby amended by inserting
3 after the tenth paragraph, the following paragraphs:

4 In evaluating an applicant's CORI for the purpose of deter-
5 mining eligibility for public housing, each housing authority shall
6 grant the applicant a meeting to ensure the accuracy and clarity of
7 the CORI report. The housing authority may waive the meeting if
8 it:

9 (A) admits the applicant despite the CORI reports; or

10 (B) does not offer admission based on the applicant's failure to
11 satisfy other requirements of this section.

1 SECTION 12. Section 32 of Chapter 121B shall be amended by
2 adding at the end thereof the following:—

3 “The Director of the Department of Housing and Community
4 Development shall enumerate a list of felonies, consistent with
5 subsection (d) of this section, for which an application for public
6 housing shall be allowed for consideration. Said list shall not
7 include any felonies which are considered to be violent or which
8 occur more than once. The housing authority may, after meeting
9 with the applicant in question to determine accuracy and rele-
10 vancy, disqualify applicant based on the enumerated felony. The
11 housing authority shall not disqualify an applicant whose CORI,
12 so-called, does not reveal an enumerated felony.

13 Regarding an applicant who satisfies the other eligibility
14 requirements of this section and whose CORI does not reveal an
15 enumerated felony, housing authorities shall either:

16 (1) deny applicant housing based on subsection (d) following
17 Section 6

18 (2) admit eligible applicants according to the other provisions
19 of this chapter; or

20 (3) admit the applicant on a probationary basis.

21 When a housing authority admits an applicant on a proba-
22 tionary basis, it shall evaluate the tenant's CORI semi-annually,
23 for a two-year period, according to criteria which the DHCD shall
24 promulgate. The criteria shall reflect the housing authority's duty
25 to ensure the health and safety of all residents. The housing
26 authority shall distribute a written copy of the criteria to each pro-
27 bationary resident at the beginning of the probationary period. The

28 housing authority may terminate the probationary resident's lease
29 should the probationary resident not meet the criteria set forth by
30 the DHCD. Notwithstanding other provisions governing lease
31 renewal contained in this section, upon completion of the proba-
32 tionary period, the housing authority shall offer the probationary
33 residents the same lease it offers to non-probationary residents.

1 SECTION 13. Chapter 127 is amended by adding after section
2 48A the following new section:—

3 Section 48B. The Executive office of Administration and
4 Finance shall prepare an annual report on community re-entry pro-
5 grams in the commonwealth available to persons released from
6 the custody of the Department of Correction and the custody of
7 the several sheriffs either by unconditional discharge or by parole;
8 provided further such report shall include and compute separately
9 the rates of homelessness and joblessness for all persons released
10 compared with persons who participate in a re-entry program; pro-
11 vided further that such report provides a projection compiled by
12 zip code of the number of persons over the next three years to be
13 released from custody of the Department of Correction and the
14 custody of the several sheriffs; and provided further that the report
15 shall include general information and data on the status of dis-
16 charge planning and discharge program implementation under-
17 taken by the Department of Corrections and County Corrections.
18 The report mandated by this section shall be prepared on a cal-
19 endar year basis and shall be published no later than 4 months
20 following the completion of the relevant reporting year. The Sec-
21 retary of Administration and Finance shall file such report with
22 the supreme judicial court, the chief administrative justice of the
23 trial court, the secretary of public safety, and the house and senate
24 committees on public safety and criminal justice and shall make
25 sufficient copies available to the general public.

1 SECTION 14. Chapter 127 is amended by adding after section
2 136A the following new section:—

3 Section 136B. Health and Discharge Planning

4 Section 1. As used in this section, the following words shall,
5 unless the context clearly requires otherwise, have the following
6 meanings:

7 “Community-based providers”, community health centers,
8 health departments, and faith-based organizations that provide
9 long-term physical, mental and emotional health.

10 “Discharge planning”, process of providing sufficient medica-
11 tions and arranging for necessary follow-up health services before
12 the inmate’s release to the community.

13 Section 2. Discharge planning within the House of Corrections
14 shall include: (1) formal linkages between the facility and com-
15 munity-based organizations on behalf of an individual inmate;
16 (2) a list of community providers that shall be provided to the
17 inmate upon discharge; (3) formal discussions with the inmate that
18 emphasize the importance of appropriate health follow-up and
19 aftercare; and (4) specific health appointments and medications
20 that are arranged for the patient at the time of release.

21 Discharge planning shall begin once an inmate has been incar-
22 cerated in preparation for his/her release. Correctional staff over-
23 seeing reentry programs shall be connected to comprehensive case
24 management services provided by community-based providers in
25 the interest of creating a comprehensive post-release care con-
26 tinuum.

27 Case managers shall begin to work with inmates and discharge
28 planners prior to release and provide an individual assessment in
29 order to determine needed physical and mental health services and
30 programs, including substance abuse or mental health treatment.
31 These assessments shall follow the inmate through his/her term of
32 incarceration and inmates shall be encouraged to maintain the cur-
33 riculum upon release.

34 Section 3. In order to ensure continuity of care and health serv-
35 ices, the Department of Public Health, in conjunction with the
36 Suffolk County House of Corrections, shall be directed to imple-
37 ment a pilot study within the Suffolk County House of Correc-
38 tions, that includes features of the Hampden County Correctional
39 Center, so-called.

40 This pilot shall establish a “Bridge Case Manager” to assist
41 inmates in accessing the range of services from housing and edu-
42 cation/training to substance abuse and mental health issues. The
43 “Bridge Case Manager” will also ensure a linkage between the
44 inmate and most appropriate service prior to release. “Bridge
45 Case Managers” shall be trained to provide referrals, crisis inter-

46 vention and follow up with appropriate health care and social
47 service providers to ensure the successful reintegration of exiting
48 inmates, and shall be certified as such by the Department of
49 Public Health.

50 Essential components of discharge planning within the Suffolk
51 County pilot program shall include:

52 A.) Health care services, including: 1.) scheduling of a primary
53 care appointment at a community health center/hospital in neigh-
54 borhood to which the inmate may be returning once he/she is
55 released, 2.) provision of an application for a state-insured health
56 insurance card to be given to the inmate upon release, 3.) links
57 with community-based providers, such as substance abuse serv-
58 ices, mental health providers, in order that exiting inmates may
59 continue their own care, 4.) arrangement for a sufficient supply of
60 current medications to last until the inmate can be seen by a com-
61 munity health care provider, especially in the case of inmates with
62 chronic illnesses such as heart disease, hypertension, HIV/AIDS,
63 Hepatitis C, and diabetes. A prescription shall be provided when
64 appropriate.

65 B.) Educational training, in conjunction with One-Stop Career
66 Centers

67 C.) Employment and Career counseling, in conjunction with
68 One-Stop Career Centers

69 D.) Transitional housing, in conjunction with the Department of
70 Housing and Urban Development

71 E.) Family Reunification

1 SECTION 15. Chapter 127 is amended by adding in Section
2 136 the following new section:—

3 Section 136C. The Department of Correction and County Cor-
4 rectional facilities, in consultation with the Department of Social
5 Services, shall, to the greatest extent possible, include in all pre-
6 release plans additional provisions for reunification of the inmate
7 with any dependent children for which said inmate has custodial
8 rights. Said provisions shall incorporate the factors by which suit-
9 ability for reunification by the Department of Social Services is
10 judged for the purposes of complying with reunification timelines
11 set by the Department of Social Services. Whenever possible, the
12 Department of Correction or the County Correctional facility shall

13 maintain contact with the Department of Social Services to coor-
14 dinate the services available to an inmate upon release so that said
15 inmate may comply with both departments' guidelines and man-
16 dates.